

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

CARLOS MEDINA

)
)
)
)
)
)
)

Criminal No. 04-10360-DPW

**GOVERNMENT'S MOTION TO AMEND INDICTMENT
FOR MINISTERIAL ERROR**

The United States of America, by United States Attorney Michael J. Sullivan and Assistant United States Attorney James Lang, hereby moves to amend the above-numbered indictment to substitute the correct name of the defendant, Carlos Medina, in the body of the indictment. See United States v. Dhinsa, 243 F.3d 635, 667 (2d Cir. 2001) (indictment may be amended without resubmission to grand jury to effect ministerial change, such as to correct misnomer or typographical errors). As reasons therefore, the undersigned states the following:

1. The name of the defendant in this case is Carlos Medina. He is correctly identified in the caption of the above-numbered indictment.

2. In the body of the above-numbered indictment the defendant is incorrectly identified as Jose Montanez. That is solely the result of an editing mistake.

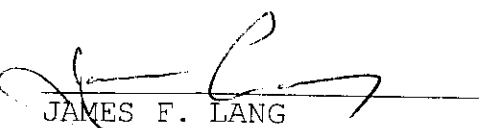
3. The grand jury that returned the above-captioned

indictment heard testimony identifying Carlos Medina as the subject of the indictment. It heard no testimony whatsoever about any individual named Jose Montanez.

4. A corrected copy of the indictment, identifying Carlos Medina as the defendant, both in the caption and the body of the indictment, is appended hereto.

WHEREFORE, the government respectfully requests that the instant motion to amend the indictment be allowed and that the appended corrected version of the indictment be substituted for the original indictment.

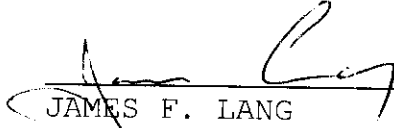
Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

By: 
JAMES F. LANG
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon J. Martin Richey, counsel for the defendant, in hand, a copy of the Government's Motion to Amend the Indictment for Ministerial Error.

This fifteenth day of December, 2004.



JAMES F. LANG
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	CRIMINAL NO.
v.)	VIOLATION:
)	18 U.S.C. § 922(g)(1)-
CARLOS MEDINA)	Felon in Possession of
)	a Firearm
)	

INDICTMENT

COUNT ONE: (18 U.S.C. § 922(g)(1)- Felon in Possession
of a Firearm)

The Grand Jury charges that:

On or about June 12, 2002, at Lawrence, in the District
of Massachusetts,

CARLOS MEDINA,

defendant herein, having previously been convicted in a court
of a crime punishable by imprisonment for a term exceeding one
year, did knowingly possess, in and affecting commerce, a
firearm, to wit: a Thompson Center Arms, Model Contender,
.45 caliber/.410 gauge pistol, bearing serial number 413767.

All in violation of Title 18, United States Code, Section
922(g)(1).